

Application No.: 10/609,310

6

Docket No.: 146712016200

REMARKS

Claims 1-19 and 21-24 were pending in the present application. Claims 1, 2, 11 and 13 have been amended, claim 9 has been cancelled, and no new claims have been added. Amendment or cancellation of any claims is not a dedication to the public or an abandonment of any unclaimed subject matter. Further, no new matter has been added. Support of the various amendments can be found throughout the specification but particularly in paragraph [0019], and FIG. 2A.

Claim Rejections – 35 USC § 102

Claims 1-5, 7-8, 11-15, 18-19 and 22-23 stand rejected under 35 U.S.C. §102(b) as being anticipated US Patent No. 6,144,523 to by Murthy et al. ("Murthy").

The Applicant respectfully disagrees.

As amended, independent claim 1 (from which claims 2-5, 7, 8, 11 and 12 depend) recites a vented plenum a vented plenum that extends from the shaft *through the sleeve* to an outer surface of the sleeve. Similarly, independent claim 13 (from which claims 14, 15, 18, 19, 22 and 23 depend) recites a vent means that extends *through the sleeve* to an outer surface of the sleeve. Murthy does not show or describe a vented plenum or other vent means that extends *through the sleeve* to an outer surface of the sleeve.

The structure identified by the Office Action of April 18, 2006 from Murthy as corresponding to a plenum is referred to by Murthy as a "common entry port 126." This port is not a vented plenum, nor does it pass through the sleeve of the device at all. See Fig. 3, and col. 5, line 65 to col. 6, line 4.

Since Murthy does not include every feature recited by the claims, Murthy cannot anticipate these claims. Thus, the Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-5, 7, 8, 11-15, 18, 19, 22 and 23 for at least the reasons given above.

pa-1066825

Application No.: 10/609,310

7

Docket No.: 146712016200

Claim Rejections – 35 USC § 103

Claims 1-5, 7-9, 11-16, 18-19 and 22-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 5,246,294 to Pan ("Pan") in view of US Patent No. 5,407,281 to Chen ("Chen").

The Applicant respectfully disagrees.

Neither Pan nor Chen, nor the combination of the two, teach or suggest all of the features recited in the claims. In particular, neither of these references teach or suggests a vented plenum or other vent means that extends through the sleeve *to an outer surface of the sleeve*.

For example, the Office Action alleges that the radial passageway 46 of Pan is a vent or vented plenum that extends through the sleeve. However, this passageway does not extend through the sleeve *to an out surface of the sleeve* (as required by the claims), nor does it act as a vent. Instead, the passageway shown in Pan connects to a T-shaped valve assembly that connects "radially inwardly directed discharge ports 56, 58" and to lubricant reservoirs at the top and bottom of the device. See Pan, col. 5, lines 47-67, and FIG. 2.

Furthermore, Chen cannot cure this deficiency, since the self-replenishing hydrodynamic bearings described by Chen do not teach or suggest a vent or vented plenum that extends through the sleeve *to an outer surface of the sleeve*, as recited by the Applicant's claims.

Since Neither Pan nor Chen (nor the combination of the two) teach or suggest all of the features recited by the pending claims, claims 1-5, 7-9, 11-16, 18, 19, 22-24 cannot be obvious in light of these references. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-5, 7-9, 11-16, 18, 19 and 22-24 for at least the reasons given below.

pa-1066825

Application No.: 10/609,310

8

Docket No.: 146712016200

Double Patenting

Claims 1-5, 7-9, 11-16, 18-19 and 22-24 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 10/454,523.

Since this is a provisional rejection, and since both the claims of the instant application and the claims of Application No. 10/454,523 are still pending, the Applicants will address this concern directly once the claims have been otherwise indicated as allowable.

pa-1066825

Application No.: 10/609,310

9

Docket No.: 146712016200

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 146712016200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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pa-1066825